

Rev. 2/28/03

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: **Ruth Ellen Whitworth**Case No. **05-13230-M**

Debtor(s)

Chapter 13 Proceeding

DEBTOR'S CHAPTER 13 PLAN ☐ **AMENDED**
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Plan Summary

- A.** The Debtor's Plan Payment is scheduled at Variable Payments ☒ Pay Order, ☐ Direct Pay for 36 months. The gross amount to be paid into the plan is \$23,328.00.
- B.** The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of the collateral and approximately 1% of the unsecured allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan that may be confirmed.
- C.** Value of non-exempt assets \$0.00.
- D.** Monthly net income \$3,854.02, - expenses \$3,185.00 = available for plan \$669.02.
- E.** If the payment of any debt is proposed to be paid directly by the Debtor outside the plan, it is so noted in Section IV(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall vest in the Debtor(s), and shall not remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

II. Interim Disbursement of Plan Payments

The Debtor requests and consents to disbursement by the Chapter 13 Trustee of plan payments prior to confirmation of the plan to evidence the Debtor's good faith, promote successful completion of the case and to provide adequate protection to secured creditors. The Chapter 13 Trustee shall begin disbursements as soon as practicable after the Section 341 meeting of creditors is concluded.

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default
Ford Motor Credit	Lease on 2001 Ford F150 truck	Assumed	No

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

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Continuation Sheet # 1

IV. Specific Treatment for Payment of Allowed Claims

1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS

Creditor Name	Remarks	Debt Amount	Monthly Payment
A+ Federal Credit Union		\$6,414.62	\$237.00
Ford Motor Credit Co		\$10,515.27	\$558.66
World Savings		\$134,644.93	\$900.00

2. PAYMENTS BY TRUSTEE

A. Administrative Expenses (including Attorney's fees)

The Trustee may receive up to 10% of all sums disbursed, except on any funds returned to the debtor.

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along With Secured Creditors	Remarks
Lindsay Sharpe	\$1,500.00	Along With	
Texas Guaranteed Student Loan	\$1,809.55	Along With	

B. Arrearage Claims - Direct Pay Creditors

Creditor / Collateral	Est. Claim	Est. Value of Collateral	Mo. Pmt or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/ Remarks
World Savings Home located at 20808 Hamilton Pool Rd, Dripping S	\$15,000.00	\$15,000.00	Pro-Rata	10%	\$17,536.65	

C. Secured Creditors; *MOTIONS TO VALUE COLLATERAL UNDER 11 U.S.C. § 506*

The debtor moves to value collateral as indicated. The Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. If the Debtor has proposed a valuation for collateral, an affidavit pursuant to Local Rule 3012 is attached in support of the valuation. Objections to Valuation of collateral proposed by this plan must be filed 90 days after the original plan is served or 20 days after an amended plan is served, whichever is later. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan.

Creditor / Collateral	Est. Claim	Value of Collateral	Mo. Pmt or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/ Remarks
Sears Various charges	\$914.07	\$0.00	Pro-Rata	10%	\$0.00	
Travis County Tax Assessor Home located at: 20800 Hamilton Pool Rd, Dripping S	\$0.00	\$8,543.07	Pro-Rata	12%	\$0.00	
Travis County Tax Collector residence	\$0.00	\$0.00	Pro-Rata	12%	\$0.00	

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Continuation Sheet # 2

D. Priority Creditors

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along With Secured Creditors	Remarks
Internal Revenue Service	\$0.00	Before	

E. General Unsecured Creditors,[including claims from rejection of executory contracts.] (Describe treatment for the class of general, unsecured creditors.)

General Unsecured Creditors will receive approximately 1% of their allowed claims.

F. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:

Creditor	Estimated Amount of Debt	Monthly Payment or Method of Disbursement	Remarks
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Totals:

Administrative Claims	<u>\$3,309.55</u>
Arrearage Claims	<u>\$15,000.00</u>
Secured Claims	<u>\$0.00</u>
Priority Claims	<u>\$0.00</u>
Unsecured Claims	<u>\$14,755.40</u>
Cure Claims	<u>\$0.00</u>

G. Supplemental Plan Provisions(a) **MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)**

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed 90 days after the original plan is served or 20 days after an amended plan is served, whichever is later. If no timely objection is filed, the relief request may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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(b) The following are the Supplemental Plan Provisions:

None

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Continuation Sheet # 3

V. General Information

NOTICE: Local Rule 3002 provides, in part:

"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case."

Creditors are hereby notified that WITHOUT FURTHER NOTICE the Plan may be amended at the Meeting of Creditors. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments and estimates of the allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is ten days prior to the confirmation hearing. More detailed information is on file at the office of the United States Bankruptcy Clerk in Austin, Texas.

Respectfully submitted this date: 07/01/2005.

/s/ Ruth Ellen Whitworth

Ruth Ellen Whitworth
20800 Hamilton Pool Road
Dripping Springs, TX 78620
(Debtor)

/s/ Lindsay Sharpe

Lindsay Sharpe
1405 Rio Grande
Austin, TX 78701
Phone: (512) 476-1551 / Fax: (512) 474-8500
(Attorney for Debtor)

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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 05/28/2004	\$648.00	21 01/28/2006	\$648.00	41	
2 06/28/2004	\$648.00	22 02/28/2006	\$648.00	42	
3 07/28/2004	\$648.00	23 03/28/2006	\$648.00	43	
4 08/28/2004	\$648.00	24 04/28/2006	\$648.00	44	
5 09/28/2004	\$648.00	25 05/28/2006	\$648.00	45	
6 10/28/2004	\$648.00	26 06/28/2006	\$648.00	46	
7 11/28/2004	\$648.00	27 07/28/2006	\$648.00	47	
8 12/28/2004	\$648.00	28 08/28/2006	\$648.00	48	
9 01/28/2005	\$648.00	29 09/28/2006	\$648.00	49	
10 02/28/2005	\$648.00	30 10/28/2006	\$648.00	50	
11 03/28/2005	\$648.00	31 11/28/2006	\$648.00	51	
12 04/28/2005	\$648.00	32 12/28/2006	\$648.00	52	
13 05/28/2005	\$648.00	33 01/28/2007	\$648.00	53	
14 06/28/2005	\$648.00	34 02/28/2007	\$648.00	54	
15 07/28/2005	\$648.00	35 03/28/2007	\$648.00	55	
16 08/28/2005	\$648.00	36 04/28/2007	\$648.00	56	
17 09/28/2005	\$648.00	37		57	
18 10/28/2005	\$648.00	38		58	
19 11/28/2005	\$648.00	39		59	
20 12/28/2005	\$648.00	40		60	